

ment of the House to the Senate's bill appropriating \$5,000 to defray the contingent expenses of both houses of the Legislature.

Report of the Select committee on a bill to amend an act to incorporate the Vicksburg and El Paso Railroad company, passed February 16th, 1852, offering a substitute for the 3d section thereof; read.

Mr. Taylor moved that the Senate adjourn until 3 o'clock, P. M.; lost.

Mr. Hart moved that the Senate adjourn until to-morrow morning at 10 o'clock; lost.

Mr. Scott moved to make the report the special order for to-morrow at 11 o'clock; lost.

Mr. Holland moved that the Senate adjourn until to-morrow morning at 9 o'clock; lost.

Mr. Paschal moved that the report and bill under consideration be made the special order for Thursday the 5th inst.

Mr. Hart moved a division of the question.

On motion of Mr. Gage, the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, January 4, 1854.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Bryan presented the memorial of sundry citizens of New Orleans, asking relief; referred to the committee on the Judiciary.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill to change the name of William Larkin Dors, to William Larkin Case, and declaring him heir-at-law of Daniel M. Case and Parmelia Case, reported the following amendment to come in at the end of the bill, and recommended its adoption and the passage of the bill:

Provided, That the provisions of this act shall not take effect except as to the change of the name of William Larkin Dors to William Larkin Case, unless said Daniel M. Case, and Parmelia Case shall adopt said William Larkin Dors in accordance with the provisions of an act entitled an act to prescribe the mode of adoption, approved January 16th, 1850.

Mr. Potter, of said committee, made the following report:

The Judiciary committee have considered a bill supplementary to an act concerning crimes and punishments, approved March 20th, 1848. The object of the bill is to change the punishment for offences mentioned in the 69th section of the above recited act, from a fine of not less than ten nor more than one hundred dollars to confinement in the penitentiary for not less than one nor more than three years, and to inflict the same punishment upon any person who shall allow any such game as is prohibited by the bill to be exhibited in his or her house; and a majority of the committee have directed me to report that they do not think it expedient to make the changes in the criminal law proposed by the bill at this time, and they recommend that the bill be laid on the table.

Mr. Potter, of said committee, made the following report :

The Judiciary committee have considered a bill to confirm the patent issued to Levi Jones and Edward Hall, on the 28th Nov., 1840, and direct me to report, that in the opinion of the committee it accords with the true policy of the State to grant relief to her citizens in such cases as is presented by the bill referred. The committee find that there is no adverse claim to the land mentioned in the patent proposed to be confirmed, and therefore recommend the passage of the bill.

Mr. Potter, of said committee, to whom was referred a bill granting the consent of Texas to the United States of America to construct internal improvements on the coast of Texas, reported a substitute therefor, and recommended its adoption and the passage of the bill.

Mr. Potter, of said committee, made the following report :

The committee on the Judiciary, to whom was referred the petition of Anselmo de Jesus Perez, praying for relief, have had the same under consideration, and find from the evidence that the petitioner was the legitimate child and sole heir-at-law of Diego Perez; that he was born in the city of San Antonio, on the 20th of April, 1830, and has always been a resident of this State; that his father, the said Diego Perez, as a citizen of Texas, on the day of the declaration of independence, and a head of a family, was entitled to a league and labor of land when he was killed with his wife, by the Indians, in the month of July, 1837; that the petitioner was left an orphan, and that as such he is clearly entitled to all the rights of which his parents were possessed at the time of their death, under the tenth section of the general provision of the Republic of Texas; that the petitioner was yet a minor when the board of land commissioners was closed, and that by reason of his minority he was unable to

assert his rights at the proper time and before the proper authority; that under these circumstances he cannot go elsewhere for relief but to the Legislature. From these considerations your committee have instructed me to report the accompanying bill and recommend its passage :

A bill for the relief of Anselmo de Jesus Perez ; read first time.

Mr. Gage, chairman of the committee on State Affairs, to whom was referred a bill to incorporate the Austin City Life and General Insurance company, reported the same back to the Senate and asked that it be referred to the committee on the Judiciary.

On motion of Mr. Sublett, the rule was suspended and report adopted.

Mr. Gage, of said committee, to whom was referred a bill authorising and requiring the Commissioner of the General Land Office to issue a patent to the assignee of James O. Rice, for lot No. 4, in block 98, in the city of Austin, returned the same to the Senate and recommended its passage.

Mr. Taylor, chairman of the committee on Public Debt, made the following report :

The committee on Public Debt have had under consideration the petition of James D. Hamilton, asking for relief, and averring that justice was not done him by the Auditor and Comptroller in the settlement of his accounts as diplomatic agent and loan commissioner of the late Republic of Texas. The evidence does not appear sufficient to the committee to authorise the Legislature to grant the relief prayed for; they have therefore instructed me to report that in the opinion of the committee the petition should be rejected.

Mr. Taylor, of said committee, made the following report:

The committee on Public Debt have had under consideration the petitions of W. R. Shivers, Jack Everett and the heirs of George W. Jewett; each of those petitioners ask for pay for supplies furnished troops for Texas. The committee find upon investigation that the evidences are not sufficient to authorise the Legislature to act in the premises. If the testimony was sufficient to authorise the Legislature to grant relief, the same evidences would, in the opinion of your committee, authorise the Auditor and Comptroller to audit the claims of the parties. The committee ask to be discharged from the further consideration of the petitions.

Mr. Taylor, of said committee, to whom was referred a bill making an appropriation for the payment of the second class

debt (B) of public debt of the late Republic of Texas, reported the same back to the Senate and recommended its passage.

Mr. Jowers, chairman of the committee on Public Lands, to whom was referred a bill to define the Lamar County Land District, reported the same back to the Senate and recommended its passage.

Mr. Burks, chairman of the committee on the Militia, to whom was referred a bill to recognise the command of Capt. Wesley Askins, in the year 1836, reported a substitute therefor and recommended its adoption and the passage of the bill.

Mr. Allen, from the committee on the Judiciary, to whom was referred a bill concerning the Gonzales Land District, reported a substitute therefor and recommended its adoption.

Mr. Scott, chairman of the committee on Finance, to whom was referred a bill supplementary to an act to regulate proceedings in the county courts, pertaining to estates of deceased persons, approved March 20th, 1848, reported the same back to the Senate and recommended its reference to the committee on the Judiciary.

On motion of Mr. Weatherford, the rule was suspended and report adopted.

Mr. Scott, of said committee, to whom was referred a bill supplementary to an act to provide for the assessment and collection of taxes, approved February 11th, 1850, reported the same back and recommended its passage with the following amendments:

1st. Strike out the 9th, 10th and 11th sections of the bill.

2d. Strike out the words, "Be it further enacted," at the commencement of each section of the bill except the first.

Mr. McDade, chairman of the committee on Counties and County Boundaries, to whom was referred a bill to incorporate the town of Sherman, in the county of Grayson, reported the same back and recommended its passage.

Mr. Hill, chairman of the committee on Judicial Districts, to whom was referred a bill to define the time of holding the District Courts in the third Judicial District, and a bill to provide for the organization of the fourteenth Judicial District, reported the same back to the Senate and recommended their passage.

Mr. Holland offered the following resolution:

Resolved by the Senate, the House of Representatives concurring, that the two houses of the Legislature will adjourn, *sine die*, on Monday the 6th day of February, 1854.

Mr. Newman offered the following as a substitute:

Resolved, That with the concurrence of the House of Repre-

representatives, the Legislature will adjourn, *sine die*, on Monday the 30th day of January, 1854; Rejected.

The question being upon the adoption of Mr. Holland's resolution, on motion of Mr. Bryan, the Senate was allowed to debate the same and all similar resolutions.

On motion of Mr. Jowers, the resolution was laid on the table by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Doane, Guinn, Hart, Hill, Jowers, Keenan, Martin, McAnelly, McDade, Millican, Paschal, Pedigo, Potter, Scarborough and Sublett—18.

NAYS—Messrs. Burks, Edwards, Gage, Holland, Kyle, Lott, Newman, Scott, Taylor, Weatherford, Whitaker and Wren—12.

Mr. Holland offered the following resolution :

Resolved, That no new business shall be entertained by the Senate, unless by a vote of two-thirds, from and after the 15th day of January, inst.

Mr. Kyle presented the petition of John A. Wells; referred to the committee on Private Land Claims.

Mr. Gage introduced a bill for the relief of the heirs and legal representatives of Robert W. Smith, dec'd; and

A bill for the relief of Haden H. Edwards; which were read first time.

Mr. Bryan introduced a bill for the relief of John D. Morris; read first time.

On motion of Mr. Bryan, the rule was suspended, bill read second time, and referred to the committee on Public Debt.

Mr. Scarborough introduced a bill granting the ferries within the limits of the city of Brownsville to said city; read first time.

On motion of Mr. Scarborough, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Tyler and Dallas Railroad company correctly engrossed.

On motion of Mr. Holland, the rule was suspended, and the bill just reported as correctly engrossed was taken up and read third time.

Mr. Weatherford offered the following amendment :

After "Bledso," insert "M. L. Johnson."

Mr. Holland moved to lay the amendment on the table; lost.

The amendment was then adopted and bill passed by the following vote :

YEAS—Messrs. Armstrong, Burks, Doane, Edwards, Gage, Guinn, Hart, Holland, Jowers, Keenan, Kyle, Lott, Martin,

McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Scarborough, Scott, Sublett, Superviele and Weatherford—24.

NAYS—Messrs. Allen, Bryan, Hill and Whitaker—4.

On motion of Mr. Gage, the vote just taken was reconsidered.

Mr. Lott offered the following amendment, to come in at the end of 17th section :

Provided, That the provisions of this charter shall exist for the term of ninety-nine years, and no longer.

Adopted, and bill passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Edwards, Gage, Guinn, Hart, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele and Weatherford—26.

NAYS—Mr. Whitaker—1.

ORDERS OF THE DAY.

The report of the Select committee on a bill to amend an act to incorporate the Vicksburg and El Paso Railroad company, passed February 16, 1852, offering a substitute for the 3d section ; read, and on motion of Mr. Taylor, made the special order of the day for Saturday the 7th inst., at 11 o'clock, by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Edwards, Gage, Guinn, Hill, Holland, Jowers, Lott, McDade, Millican, Paschal, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—23.

NAYS—Messrs. Burks, Hart, Kyle, Martin, McAnelly and Newman—6.

A message was received from the House, informing the Senate that the House had adopted a resolution changing the 10th and 11th rules of the two houses, so as to read as follows :

Rule 10. When bills are enrolled they shall be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the House, and correcting any errors that may be discovered in the enrolled bills. The committee shall forthwith, in open session of the respective houses, present the bill so correctly engrossed to the presiding officer for signature.

Rule 11. Each bill shall be signed in respective houses ; first by the Speaker of the House of Representatives, then by the President of the Senate.

On motion of Mr. Sublett, the resolution was taken up and adopted.

A bill to encourage the construction of Railroads by a loan of the School Fund ; read.

Mr. Gage offered the following amendments :

Insert at the end of the 2d section the following :

"And provided also, that loans from said fund shall be so apportioned that not more than one-half thereof, shall be loaned to roads constructed in the limits of either one of the congressional districts of the State."

In the 4th section strike out all of the 7th line and the words "Attorney General" in the 8th line, and insert the following :

"A sale of the road and all the property covered by said lien and mortgage, to be made by the Comptroller, by public auction, to the highest bidder, at the city of Austin, having given sixty days notice by advertisement in some newspaper printed at the place of sale."

Mr. Bryan offered the following as a substitute for the bill and amendments :

A bill to provide for the investment of the Special School Fund, in the bonds of railroad or other companies incorporated by the State, for the benefit of internal improvements.

Mr. Keenan moved that the bill, amendments and substitute be made the special order for to-morrow at 11 o'clock, and that 100 copies of the substitute be printed.

Mr. Allen moved a division of the question.

On motion of Mr. Kyle, there was a call of the Senate.

Mr. Jowers moved a suspension of the call ; lost.

A bill for the relief of James Rust ; Read third time and passed.

A bill extending the time for the return of field-notes of claimants to land in Fisher and Miller's colonies and in Castro's colony ; read.

On motion of Mr. Kyle, the word "contractors" was stricken out of the bill.

Mr. Taylor moved that the Senate adjourn until 3 o'clock, P. M. ; lost.

Mr. Potter moved that the Senate adjourn until to-morrow morning at 9 o'clock ; lost.

Mr. Jowers moved a reconsideration of the vote striking out "contractors."

On motion of Mr. Lott, the Senate adjourned until to-morrow morning at 9 o'clock.